

REMARKS

Claims 1-33 are pending in this application. By this Amendment, claims 1, 2, 14 and 15 are amended and claims 27-33 are added. No new matter is added. Reconsideration of the application is respectfully requested.

Applicant appreciates the indication that claims 9-11 and 22-24 contain allowable subject matter. For at least the reasons discussed below, Applicant respectfully submits that all pending claims are allowable.

Claims 1-8, 12-21, 25 and 26 are rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,658,229 to Ando et al. (Ando). The rejection is respectfully traversed for at least the following reasons.

In Ando, when a recording sheet P jams within the printer 100, the resulting crinkled or bellows-shaped recording sheet P pushes a guide portion 126b of a guide member 126 upward to separate the separating claw 124 from the heating roller 119 (col. 5, lines 52-67). As shown in Figs. 5 and 6 of Ando, the guide member 126 is only pushed upward to separate the separating claw 124 from the heating roller 119 when the recording sheet P is jammed and is not being conveyed. As shown in Figs. 7 and 8, when recording sheet P is being conveyed through the printer 100, the separating claw 124 is in contact with the heating roller 119. Further, as shown in Figs. 2 and 9 of Ando, when the recording sheet P is being conveyed by the discharge roller 123 and the heating roller 119, the recording sheet P is not in contact with any portion of the sheet separating apparatus 117, 133 and the separating portion 124a of the separating claw 124 is in contact with the heating roller 119.

For at least these reasons, Applicant respectfully submits that Ando fails to disclose or suggest a thermal fixing device comprising, *inter alia*, a conveying path provided between the fixing member and the conveying unit, and a space existing between the peeling member and the fixing member when the fixation medium is being conveyed along the conveying path, as

recited in amended claim 1. Applicant also respectfully submits that Ando fails to disclose or suggest an image forming apparatus including, *inter alia*, a conveying path provided between the fixing member and the conveying unit, and a space existing between the peeling member and the fixing member when the sheet is being conveyed along the conveying path, as recited in amended claim 14. For at least these reasons, Ando fails to disclose or suggest all the features of claims 1 and 14 as well as all the features of claims 2-13 and 15-32, which depend from claims 1 and 14, respectively. It is respectfully requested that the rejection be withdrawn.

Applicant also respectfully submits that Ando fails to disclose or suggest all the features recited in new independent claim 33 including, *inter alia*, a separating member that protrudes into a conveying path when the peeling member is in contact with the fixing member, the fixation medium pushing the separating member away from the conveying path and separating the peeling member from the fixing member when the fixation medium is in contact with the separating member, the fixing member and the conveying unit, and the fixation medium is at least one of substantially extended or completely extended along the conveying path.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:MMI/ccs

Attachments:

Amendment Transmittal
Petition for Extension of Time

Date: September 28, 2005

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